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**TO: U.S. PATENT AND TRADEMARK OFFICE****OUR REF.: DREFU60.001APC****FIRM: OFFICE OF INITIAL PATENT EXAMINATION****YOUR REF.: 10/069,382****FACSIMILE NO.: 703-746-9195****OPERATOR: VI****FROM: Marina L. Gordey****NO. OF PAGES: 7 (incl. cover sheet)****DATE: July 26, 2004****TIME:****IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY****OPERATOR PHONE NO.: (805) 547-5580****FACSIMILE NO.: (805) 547-5590****MESSAGE:**

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DREFU60.001APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kupper et al.  
Appl. No. : 10/069,382  
Filed : July 8, 2002  
For : GENE TRANSFER VECTOR  
SYSTEM DERIVED FROM  
COXSACKIE VIRUSES  
Examiner : Unknown  
Group Art Unit: 1653

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Office of Initial Patent Examination Customer Service Center at 703-746-9195 at the U.S. Patent and Trademark Office on the date shown below:

August 2, 2004  
(Date)

Marina L. Gabley, Reg. No. 52,950

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Office of Initial Patent Examination  
Customer Service Center  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that the Official Filing Receipt, a copy of which is enclosed, be corrected to reflect the title as shown on the enclosed Declaration/Power of Attorney and as amended by Preliminary Amendment filed on July 26, 2004. Please delete "COXSACKIE VIRUS DERIVED VECTOR SYSTEM FOR GENE TRANSFER" and insert "GENE TRANSFER VECTOR SYSTEM DERIVED FROM COXSACKIE VIRUSES."

Please also correct the Attorney Reference No. from WWELL60.001APC to DREFU60.001APC.

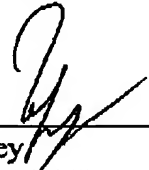
Appl. No. : 10/069,382  
Filed : July 8, 2002

We look forward to receiving the corrected filing receipt in due course.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 2, 2004

By:   
Marina L. Gordey  
Registration No. 52,950  
Agent of Record  
Customer No. 20,995  
(805) 547-5580

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/069,382	07/08/2002	1653	1218	WALL 60,801 APO DREFUGO.DDIAPC	3	31	1

CONFIRMATION NO. 7937

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2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

FILING RECEIPT



\*OC000000013119008\*

Date Mailed: 07/07/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Jan-Helner Kupper, Kusterdingen, GERMANY;  
Ralph Meyer, Waldböckelheim, GERMANY;  
Mirella Meyer-Ficca, Waldböckelheim, GERMANY;  
Reinhard Kandolf, Hechingen, GERMANY;

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/EP00/07768 08/10/2000

**Foreign Applications**

GERMANY 19939095.9 08/18/1999

**Projected Publication Date:** None, application is not eligible for pre-grant publication

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

~~Coxsackie virus-derived vector system for gene transfer~~  
GENE TRANSFER VECTOR SYSTEM DERIVED  
FROM COXSACKIE VIRUSES

P. 4/11

NO. 924

KMOB SAN LUIS OBISPO

8:22AM

AUG. 2. 2004

Preliminary Class

435

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled GENE TRANSFER VECTOR SYSTEM DERIVED FROM COXSACKIE VIRUSES the specification of which was described and claimed in PCT International Application No. EP00/07768 filed on August 10, 2000.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119
German	19939095.9	18, 08, 1999	• YES      NO o

**POWER OF ATTORNEY:** I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jan-Heiner KÜPPER

Inventor's signature  Day 11 Month June Year 2002

Residence (city and country): Kusterdingen, Germany

Citizenship: German

Post Office Address: Bachstraße 11, D-72127 Kusterdingen, Germany

Page 2

Attorney's Docket No. WWELL60.001APC

Full name of second inventor: Ralph MEYER

Inventor's signature Ralph Meyer Day 11 Month June Year 2002

Residence (city and country): Waldböckelheim, Germany

Citizenship: German

Post Office Address: Rosengarten 7, D-55596 Waldböckelheim, Germany

Full name of third inventor: Mirella MEYER-FICCA

Inventor's signature Mirella Meyer-Ficca Day 11 Month June Year 2002

Residence (city and country): Waldböckelheim, Germany

Citizenship: German

Post Office Address: Rosengarten 7, D-55596 Waldböckelheim, Germany

Full name of fourth inventor: Reinhard KANDOLF

Inventor's signature Reinhard Kandolf Day 11 Month June Year 2002

Residence (city and country): Hechingen, Germany

Citizenship: German

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Customer No. 20,995

040402  
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Docket No.: DREFU60.001APC

Customer No.: 20,995

**AMENDMENT / RESPONSE TRANSMITTAL**

Applicant : Kupper et al.  
 App. No. : 10/069,382  
 Filed : July 8, 2002  
 For : GENE TRANSFER VECTOR  
 SYSTEM DERIVED FROM  
 COXSACKIE VIRUSES  
 Examiner : Unknown  
 Art Unit : 1653

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 26, 2004

(Date)

Marina L. Gordey, Reg. No. 52,950

Mail Stop: Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) Preliminary Amendment in 3 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	31 - 31 = 0	1202 (\$18)	0 x 18 =	\$0
Independent Claims	1 - 3 = 0	1201 (\$86)	0 x 86 =	\$0
Multiple Claim		1203 (\$290)		\$0
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DREFU60.001APC

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Kupper et al.  
Appl. No. : 10/069,382  
Filed : July 8, 2002  
For : GENE TRANSFER VECTOR  
SYSTEM DERIVED FROM  
COXSACKIE VIRUSES  
Examiner : Unknown  
Group Art Unit: 1653

**PRELIMINARY AMENDMENT**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Preliminary to examination on the merits, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.

Applicant : Kupper et al.  
Appl. No. : 10/069,382

### AMENDMENTS TO THE SPECIFICATION

Please amend the Title of the Invention as follows:

~~COXSACKIE VIRUS DERIVED VECTOR SYSTEM FOR GENE TRANSFER VECTOR~~  
SYSTEM DERIVED FROM COXSACKIE VIRUSES

Applicant : Kupper et al.  
Appl. No. : 10/069,382

### REMARKS

The Title of the Invention has been amended. No new matter has been introduced herewith.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 26, 2004

By: 

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